

**INDEPENDENT SCHOOL DISTRICT NO. 283**

**SECTION/FILE** 506 **DATE OF ADOPTION** June 11, 1984

**AFFIRMED/REVISED** 6/24/02; 6/14/04;  
9/25/06; 5/9/11; 08/13/18; 08/10/21

**TITLE** Student Behavior Intervention

**I. PURPOSE**

St. Louis Park Public Schools recognizes that a safe and nurturing environment is conducive to learning and critical to student success and achievement. Creating and maintaining a school community that respects and accepts differences and affirms the humanity of each student is a shared responsibility and the task of all staff, students, and families/guardians.

St Louis Park Public Schools is responsible for ensuring a safe community for all students and staff. The District urges parents/guardians and families to partner in teaching and supporting the creation of a safe learning community to meet the needs of students.

A fair and equitable district-wide student behavior policy will contribute to the quality of each student’s educational experience. This policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. 121A.40-121A.575.

**II. GENERAL STATEMENT OF POLICY**

The process of learning and engaging in a diverse school community is an on-going endeavour. All students will be taught expected school behaviors regularly and the expectation is that students, with the assistance of teachers, school support staff and administrators, will engage in actions and learning that support a safe and nurturing community for themselves and all students.

Responses to student actions or community harm will be reflective of St. Louis Park Public School’s stated core values, including the following:

- The brilliance of ourselves and others. Everyone has the capacity and responsibility to foster the growth and brilliance of others.
- Authentic community engagement. Engaging and supporting our employees, families, and communities will enhance the healthy development of each learner.
- High expectations. Instilling and upholding high expectations empowers students and staff to higher levels of achievement.
- Collective responsibility. Embodying the collective and urgent responsibility of anti-racist practices enriches a work and learning environment and community.
- Persistent effort. Through persistent effort we will create anti-racist schools and academically successful learners.
- Racial consciousness and cultural competence. Racial consciousness and cultural competence are essential to each person’s ability to be a catalyst for change.
- Advocacy for equity. Everyone has equal intrinsic worth and we will advocate for the historically marginalized.

All students have the right to learn and develop in a setting which promotes respect for self, others and property. Positive and restorative practices can foster student self-direction, positive decision making and responsibility, thus enabling schools to function as places of learning and growth for all students.

St. Louis Park Public Schools also recognizes that removal from instruction works against the academic achievement of students, and should be avoided whenever possible. Interventions that keep the student in the learning environment should be considered and utilized first - especially for historically marginalized and vulnerable populations. Removal from the learning environment should be used only for behaviors that threaten the safety and wellbeing of the student involved and/or other students or staff in the school environment. Interventions include, but are not limited to, the following:

- Restorative Practices Circles with agreed upon repair of harm;
- Student-Student Conversations/Circles to repair harm;
- Calming spaces to self-regulate;
- Classroom Circles to build or strengthen relationships and community;
- Classroom Circles to repair harm
- Sensory, Mental or Physical breaks;
- Access to conversation with Counselor, Social Worker, Case Manager, or other appropriate staff;
- Peer to Peer Circles;
- Teacher to Student Circles;
- Family Conferences and Mediation.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

### **III. DEFINITIONS**

- A. Behavior Intervention - Behavior interventions include any practices intended to develop and maintain a safe learning community, including but not limited to: classroom and school agreements, restorative practices, disciplinary consequences, removal from the learning environment and referrals to law enforcement.
- B. Learning Environment - refers to the diverse physical locations, contexts, and cultures in which students learn. Since students may learn in a wide variety of settings, such as outside-of-school locations and outdoor environments. <sup>1</sup>
- C. Restorative Practices - With roots in many cultures and communities of Indigenous People and People of Color, Restorative Practices seek to prioritize the building of relationships in order to develop healthy school communities, decrease unsafe and harmful actions, and restore relationships and repair community harm when necessary. Restorative Practices include social emotional learning lessons for all students,

classroom circles and routines to build community and establish relationships, and small circles or formal conferences to navigate conflict or repair harm.

- D. Removal from Learning Environment - encompasses any type of school disciplinary action that removes or excludes a student from the usual instructional setting or *learning environment*, including in-school suspension, out-of-school suspension, and expulsion. <sup>2</sup>

#### **IV. AREAS OF RESPONSIBILITY**

##### **A. Students**

Students are at the heart of the school community. Students are expected to build and maintain positive relationships to form a safe and nurturing environment that is conducive to learning and respectful to all members of the school community. In collaboration with teachers, principals and their peers, students are responsible for:

1. Believing that each student has the capacity to be their best self, achieve their dreams and change the world.
2. Learn and follow school expectations and procedures;
3. Take personal responsibility for their actions as they are able;
4. Work to build community with their peers, teachers, and other school staff;
5. Request and participate in restorative circles to repair harm;
6. Go to school every day on time, ready to learn and give their best effort to create a safe and equitable learning environment.

##### **B. Teachers**

The School Board recognizes that teachers occupy the unique role of having the most impact on the classroom environment and, thus, student achievement. Teacher responsibility for the teaching, learning and maintenance of safe student behavior includes the following, and always with the humanity of each student as a framework for addressing student behavior:

1. Leading the development of the classroom agreements and restorative practices and procedures aligned to the district and building expectations;
2. Assuring that all students are taught the norms and agreements in their classroom and throughout the school;
3. Take personal responsibility for their actions as dictated by the teacher Code of Ethics;
4. Participating in identifying students that would benefit from additional support from school and community resources;
5. Participating in implementation of the school-wide norms and agreements and restorative practices;
6. Participating in data review, necessary training, and analysis of behavior intervention data;
7. Use a community approach to establishing classroom norms and agreements that includes modeling and reviewing norms and agreements as needed;
8. Communicating and reteaching the students when behavior interferes with learning in collaboration with other school staff, as needed;
9. When requested by students, participate in restorative circles;

10. Communicating with parents/guardians when there is a pattern of disruption to the learning community; and
11. Seek or request assistance to establish and sustain a safe learning environment as needed or identified.

#### C. Principal

The School Board recognizes the critical role of school leadership in creating an environment that is conducive to learning. Principals are responsible for implementing and supporting the framework and purpose of this policy, including:

1. Leading the collaborative development of the school's behavior and restorative practices plan;
2. Assuring that annual notices are given to students, parents/guardians and staff;
3. Communicating with teachers after responding to student being removed from the classroom;
4. Modeling restorative practices in meetings and interactions with students, staff, and parents;
5. Communicating with parent/guardian when responding to student behavior concerns when the student is removed from class;
6. Developing and sustaining partnerships with identified community resources;
7. Leading the review of school behavior intervention data to identify training needs for staff with a view toward improving student outcomes;
8. Reporting behavior intervention data at least annually to their school community;
9. Reviewing behavior intervention data with the Superintendent and/or other District leadership no less than annually; and
10. Support and collaborate with staff in maintaining a positive learning community.
  - a. In addition, the principal may also involve other professional employees in the disposition of behavior referrals and may make use of those agencies appropriate for assisting students and parents.

#### D. Student Support Staff

Student support staff play an important role in supporting students in the classroom. They have the unique opportunity to work with students individually or in small groups. In collaboration with the classroom teacher they are responsible for:

1. Implementing with consistency the district, school and classroom teacher's behavior norms and agreements;
2. Participating in restorative practices;
3. When requested by students, participate in restorative circles to repair harm to the learning environment;
4. Communicating, re-teaching, and restoring a safe learning environment with students when behavior interferes with learning;
5. Communicating with the classroom teacher if there are student needs or actions interfering with the learning environment; and
6. Participating in data review, necessary training, and analysis of behavior intervention data.

#### E. Other School District Personnel

All staff, in regarding interaction with students, are responsible for:

1. Implementing with consistency the district behavior standards and school behavior standards;
2. Participating in training; and
3. Analysis of behavior data as directed by the principal or site administrator.

#### F. Superintendent

In collaboration with the school board and district administration is responsible for:

1. Providing directives to enforce this policy;
  - a. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
2. Establishing standards of behavior for students;
3. Supporting school personnel acting within the framework and purpose of this policy; including developing relevant professional learning opportunities;
4. Analyzing behavior intervention data overall as well as disaggregated by student group (race, gender, disability, etc.) to identify disproportionalities and respond appropriately;
5. Identifying adequate means for the documentation of behavior interventions, the analysis of behavior intervention data, engaging appropriate community resources and for identifying appropriate training for staff, students, parents and community partners.

#### G. School Board

The School Board holds all school personnel responsible for the creation of a safe and nurturing learning environment and supports all personnel acting within the framework and purpose of this policy.

#### H. Parents/Guardians and Families

Parent(s)/guardian(s) and families play an important role in supporting their student(s) success in school. In collaboration with the school community, parent(s)/guardian(s) and families are responsible for:

1. Partnering with their student's schools to know the school behavior standards and school and classroom rules;
2. Helping their student learn the behavior standards of their schools and classrooms; and
3. Working collaboratively with school staff and their student to respond to and resolve behavior issues.

### **V. DEVELOPMENT AND COMMUNICATION OF BEHAVIOR STANDARDS**

The District is committed to teaching all students and to assuring that students' learning is not disrupted by the behavior of others. The District is committed to taking actions to provide a safe learning environment for all students, and a safe working environment for all staff.

- A. The Superintendent shall report behavior intervention data to the Board no less than annually;
- B. Building principals shall review behavior intervention data with the Superintendent no less than annually;
- C. Every school shall establish and teach behavior expectations and respond to student inappropriate behavior that are consistent with this Policy and accompanying administrative guidelines, and directives from the Superintendent. All school staff shall receive training on the school's plan;
- D. Every classroom shall establish behavior standards and norms within the District's policy, the Superintendent's directives and the school's behavior plan with participation from the students in the classroom. All students shall be taught the behavior standards established;
- E. Every school shall examine behavior intervention data to assure that responses to student behavior do not show evidence of bias or discriminatory behavior. Schools shall also use behavior intervention data to identify and provide additional training to staff and students and to provide effective interventions for students to improve student outcomes;
- F. Student age, developmental stage and individual needs based on culture, language or disability, or other relevant factors, shall be considered in determining the appropriate response to behavior;
- G. Behavior standards for students with an Individualized Education Program ("IEP"), Individual Accommodation Plan ("IAP/504 Plan") shall be supported by the terms of the accommodations of their written program or plan to the extent they differ from the district policy, regulations and school plan;
- H. The District will make this Policy and accompanying administrative guidelines available on the District's website and they also shall be available upon request in each principal's office. The Board encourages use of a variety of media to increase and awareness; and
- I. Students and parents/guardians shall receive notice of classroom rules established by their classrooms.

**VI. CODE OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted

vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Violation of the school district's Hazing Prohibition Policy;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Violation of the school district's Student Attendance Policy;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student);
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the school district's Weapons Policy;
14. Violation of the school district's Violence Prevention Policy;
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an

- explosive;
17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
  18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
  19. Violation of any local, state, or federal law as appropriate;
  20. Acts disruptive of the educational process, including, but not limited to, failure to identify oneself, improper activation of fire alarms, or bomb threats;
  21. Violation of the school district's Internet Acceptable Use and Safety Policy;
  22. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy;
  23. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
  24. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
  25. Violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy;
  26. Possession or distribution of slanderous, libelous, or pornographic materials;
  27. Violation of the school district's Bullying Prohibition Policy;
  28. Student attire or personal grooming which creates a disruption to the educational process and/or environment, including apparel promoting products or activities that are illegal for use by minors, or clothing containing emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group;
  29. Criminal activity;
  30. Falsification of any records, documents, notes, or signatures;
  31. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
  32. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of phones or other technology to accomplish this end;
  33. Threatening or harassing words, symbols, acronyms, or language, whether oral or written, related to teachers or other school district personnel;
  34. Violation of the school district's Harassment and Violence Policy;
  35. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
  36. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
  37. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a

- weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
38. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property;
  39. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
  40. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, sexual orientation, gender identity, or gender expression;
  41. Violation of the school district's technology rules and regulations;
  42. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
  43. Other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

## **VII. STUDENT BEHAVIOR INTERVENTION OPTIONS**

Effective Student Behavior Intervention:

- Is meant to be educational;
- Considers the age, development and cultural norms of the student in framing the instruction for appropriate behavior and the interventions for community harm;
- Emphasizes building relationships, repair of harm and restoring relationships, teaching skills and accountability, and restorative practices to re-engage students in their learning communities;
- Is a shared responsibility;
- Maximizes the amount of students and staff time and attention spent on teaching and learning;
- Seeks to minimize the amount of student instruction time lost as a result of removal from classes due to misbehavior.

The specific form of intervention chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation as soon as practicable. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district.

Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel;
- B. Restorative practices (restitution, mediation, conference)

- C. Re-teach expected behavior/skill
- D. Written reflection or apology
- E. Removing, adjusting, or covering up clothing that violates student dress requirements
- F. Conflict resolution
- G. Create/plan opportunities for student(s) to repair harm
- H. Referral to a school counselor or school social worker to support student needs
- I. Contract with a teacher, counselor, dean, or Grade Level Coordinator
- J. Meet with dean, Grade Level Coordinator, or site administrator
- K. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- L. Parent contact and/or conference;
- M. Removal from class;
- N. In-school suspension;
- O. Suspension from extracurricular activities;
- P. Detention or restriction of privileges;
- Q. In-school monitoring or revised class schedule;
- R. Referral to community resources or outside agency services;
- S. Financial restitution;
- T. Referral to police, other law enforcement agencies, or other appropriate authorities;
- U. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- V. Out-of-school suspension under the Pupil Fair Dismissal Act;
- W. Preparation of an admission or readmission plan;
- X. Expulsion under the Pupil Fair Dismissal Act;
- Y. Exclusion under the Pupil Fair Dismissal Act; and/or
- Z. Other disciplinary action as deemed appropriate by the school district.

Reasonable force standard. (a) A teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. (b) A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

School administration will give due consideration to referring students for evaluation for special education services when deemed appropriate.

### **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning

detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity for a period of time not to exceed five (5) days, pursuant to this discipline policy.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which, in the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

- B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C. Before a student is removed from the learning environment, district and school adopted behavior interventions must be utilized (refer to section VII: Student Behavior Intervention Options).
- D. Removal from the learning environment must be monitored to ensure the safety of the student and other students.
- E. Students should be returned to the learning environment as soon as they are ready to learn; school building procedures shall be utilized, in accordance with this policy.
- F. Notification of removal of a student from the learning environment shall be communicated to parent/guardian/family in accordance with the school building

procedures, in accordance with this policy.

- G. Removal of students with disabilities shall follow the plan outlined in the students IEP (refer to section XI. Disabled Students)
- H. In situations where chemical use and abuse of a student while on school premises are suspected, district and school procedures for removal from student shall be utilized, including adherence to the following MN Statutes:
  - 1. Establishment of a chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.26;
  - 2. Establishment of teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.
- I. Early and clear communication with parents/guardians/families regarding behavior interventions should be utilized in an effort to build a partnership to support behavior that enhances the learning experience of the student and the school community.
- J. Frequent review of data shall be utilized for early detection of students that would benefit from additional interventions to decrease removals from class; review and procedures are determined at the building level and in accordance with this policy.

## **IX. DISMISSAL**

- A. “Dismissal” means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.

The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
  - 1. Willful violation of any reasonable school board regulation, including those found in this policy;
  - 2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
  - 3. Willful conduct that endangers the student or other students, or surrounding

persons, including school district employees, or property of the school.

### C. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the

child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.

5. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
6. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
7. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
  - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
8. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40- 121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference.

9. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
11. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

#### D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district

shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or

educational testimony.

15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

## **IX. PROCEDURES FOR OUT OF SCHOOL REMOVALS**

A. Administrative Conference

If a student is assigned an out of school removal from instruction for conduct which materially disrupts the rights of others to an education, but where the acting student does not present an immediate and substantial danger to self, other students, staff or school property, an informal administrative conference must be held with the student unless the student has already left the school grounds.

If a student is assigned an out of school removal from instruction for conduct which reasonably can be believed to cause an immediate and substantial danger to the student, other persons or school property, the student may be removed from the premises without an initial informal administrative conference, however, the student shall be afforded an opportunity to at the earliest possible time to participate in the informal administrative conference.

An informal administrative conference may be held by telephone or at an off-campus site if the student presents an immediate or substantial danger to the school.

B. Notification

The principal or designee shall make reasonable efforts to promptly notify the parents of students assigned an out of school removal from instruction.

The principal or designee shall ensure that a written notice containing the grounds for the out of school removal, the known facts, known testimony, a readmission plan and a copy of the Pupil Fair Dismissal Act is personally served upon the student at or before the time of the out of school removal from instruction is to take effect at the informal administrative conference. If the informal administrative conference is delayed because removal from instruction was for conduct which reasonably could be believed to cause an immediate and substantial danger to the student, other persons or school property, the written notice shall be given to the student at the informal administrative conference when it is held.

The written notice shall also be served upon the parent/guardian, either in person or by certified mail within forty-eight (48) hours of the out of school removal from instruction.

C. Readmission to Instruction

Prior to or after an out of school removal from instruction, the principal or designee shall require the student's attendance at an informal administrative conference prior to the return to classes. Such conferences shall be noticed to the parents/guardians of the student, who are encouraged to attend the conference.

For any out of school removal from instruction, the principal or designee shall prepare a written readmission plan. The proposed plan may include a procedure for the student's return to school and classes. The proposed plan also may include provision for an alternative program, which may include, but is not limited to:

- make-up school work;

- assigned homework;
- changes in assigned courses or classroom;
- changes in student’s schedules;
- provision of tutorial service;
- provision of student support services,
- provision of information concerning mental health or other community supports;
- reassignment to a different educational setting.

If a reassignment to a different educational setting is proposed, the principal shall follow district procedures for reassignment.

The informal administrative readmission conference may be held by telephone or at an off-campus site if necessary to meet the needs of the student.

#### D. Consecutive Removals

Out of school removals from instruction may not be imposed consecutively upon the same student for the same course of conduct, or incident of behavior, except where the student poses an immediate and substantial risk of danger to the student or to persons or property around the student. Whether or not an “immediate and substantial risk of danger” exists shall be determined by the principal or designee. Notice of the extension shall be given following the same procedure as the initial notice of the removal from instruction.

An out of school removal from instruction may not be extended due to the inability or refusal of a parent/guardian to participate in any readmission conference.

Up to two (2) five (5) day suspensions (total of ten school days) may be imposed if the principal determines that the student continues to present an immediate and substantial risk of danger. In the event that the suspension is more than five (5) days, the suspending administrator shall provide the Superintendent with a reason for the longer term of suspension.

A third five (5) day suspension may be imposed only if the district is proposing expulsion or exclusion and the Superintendent has been notified.

Whenever a removal from instruction exceeds five (5) days, an alternative instruction program such as those identified in Paragraph IV.C shall be provided to the student.

### **X. STUDENT DISCIPLINE RECORDS**

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

### **XI. DISABLED STUDENTS**

Students who are currently identified as eligible under the IDEA or Section 504 will be

subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

## **XII. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

## **XIII. NOTIFICATION OF POLICY VIOLATIONS**

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within thirty (30) days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age,

grade, gender, race, and special education status.

#### **XIV. REVIEW OF POLICY**

The principal and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

##### *Legal References:*

*Minn. Stat. §121A.40-121A.575 (Pupil Fair Dismissal Act)*

*Minn. Stat. §121A.58-121A.72 (Discipline, All Students)*

*Minn. Stat. §125A.08 (Individual Education Programs)*

##### *Cross-References:*

*St. Louis Park Public School Policy 501 Weapons*

*St. Louis Park Public School Policy 502 Search of Student Lockers, Desks, Personal Possessions, and Student*

*St. Louis Park Public School Policy 503 Student Attendance*

*St. Louis Park Public School Policy 514 Bullying Prohibition*

*St. Louis Park Public School Policy 524 Internet and Technology Responsible Use - Students*

*St. Louis Park Public School Policy 526 Hazing Prohibition*

*St. Louis Park Public School Policy 413 Harassment and Violence*

*St. Louis Park Public School Policy 419 Tobacco-Free Environment*

*St. Louis Park Public School Policy 709 Student Transportation Safety*

##### *Definition Sources:*

<sup>1</sup> *Great Schools Partnership*

<sup>2</sup> *American Psychological Association; Learning for Justice*